



PATENT
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OBM39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

J.S. SLINGSBY et al.

Application No.: 10/088,076

Filed: 19 July 2002

For: PRODUCER CELL FOR THE
PRODUCTION OF RETROVIRAL
VECTORS

Customer No.: 20350

Confirmation No.: 7573

Examiner: S. Chen Brown

Technology Center/Art Unit: 1648

RESPONSE TO RESTRICTION
REQUIREMENT

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in reply to a Restriction Requirement mailed 11 September 2003, which set Saturday, 11 October 2003 as the initial deadline for response. Accordingly, this Response is believed to be timely filed and no extension of time is believed to be required.

Claims 1-41, 43-45, and 47 are pending, and Applicants thank the Examiner for the indication of the entry of the preliminary amendment filed 20 March 2002 relative to the original set of claims (numbered 1-44 and 49-51).

Applicants would like to clarify the record by noting the following. The instant application was mailed to the U.S. Patent and Trademark Office on 20 March 2002 with a total of 47 claims numbered from 1-44 and 49-51 as well as a copy of the IPE Report (mailed 16 January 2002) which noted that the Report was based on substitute claims 1-50 as filed on 19 December 2001 (with the letter of 18 December 2001). Despite the presence of substitute claims in the corresponding PCT application (PCT/GB00/03837) from which the instant application is a

35 U.S.C. § 371 filing, the Transmittal Letter for the instant application erroneously indicated that no amendments to the claims of the PCT application were made.

Instead, the Transmittal Letter identified a first preliminary amendment (also filed 20 March 2002) which was to be entered. That preliminary amendment, however, was directed to changing the claim language which is that of substitute claims 1-50 as filed in the PCT application, which, as noted above, were not entered in the instant application.

Therefore, and in light of the Examiner's indication of the entry of the preliminary amendment, apparently relative to original claims 1-44 and 49-51 (renumbered as claims 1-47), Applicants believe that there is at least a total of 45 claims pending based on the cancellation of original claims 42 and 46 (the latter of which was renumbered from original claim 50).

But Applicants believe that an additional two claims, numbered 48 and 49 in the preliminary amendment, are also pending, as they were introduced by that amendment.

Therefore, and before responding to the Restriction Requirement, Applicants represent the claims, and request the following amendments thereto, which are based upon Applicants' beliefs as explained above. The Examiner's attention is directed to the fact that claims 47-49 below, now canceled, were amended or introduced by the preliminary amendment of 20 March 2002. These claims have been represented as new claims 52-54.

New claims 50-54 are identical to claims 45-49 in the substitute claims referred to in the IPE Report (mailed 16 January 2002).

Finally, claim 45, which was renumbered from original claim 49, has been canceled in favor of new claims 52-54.